

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

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COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	
)	
Appellee,)	2 CA-CR 2009-0167
)	DEPARTMENT B
v.)	<u>MEMORANDUM DECISION</u>
)	Not for Publication
ANDREW DEAN NORZAGARAY,)	Rule 111, Rules of
)	the Supreme Court
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20080062

Honorable Richard S. Fields, Judge

AFFIRMED

Isabel G. Garcia, Pima County Legal Defender
By Alex Heveri

Tucson

V Á S Q U E Z, Judge.

¶1 After a two-day jury trial, appellant Andrew Norzagaray was convicted of theft of means of transportation, a class three felony, third-degree burglary, a class four felony, and criminal damage in an amount more than \$250 but less than \$2,000, a class six felony.¹ The trial court found Norzagaray had two historical prior felony convictions, and sentenced him to concurrent, presumptive sentences, the longest of which is 11.25 years, with credit for 231 days served. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), stating she has thoroughly reviewed the record and has found no meritorious issues to raise on appeal. Counsel has asked us to search the record for fundamental error. Norzagaray has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdicts, the evidence was sufficient to support each of the jury’s findings of guilt. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). In addition, the sentences are within the statutory limits. *See* A.R.S. § 13-604(C).²

¹The dollar amounts under the relevant portion of the criminal damage statute, A.R.S. § 13-1602(B), have been amended since Norzagaray committed the underlying offenses. *See* 2009 Ariz. Sess. Laws, ch. 8, § 5.

²The Arizona criminal sentencing code has been renumbered, effective “from and after December 31, 2008.” *See* 2008 Ariz. Sess. Laws, ch. 301, §§ 1-120. For ease of reference and because the renumbering included no substantive changes, *see id.* § 119, we refer to the current section number rather than that in effect at the time of the offense in this case.

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, we affirm Norzagaray’s convictions and sentences.

GARYE L. VÁSQUEZ, Judge

CONCURRING:

PETER J. ECKERSTROM, Presiding Judge

JOSEPH W. HOWARD, Chief Judge